

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 11, 1867.

Read twice and ordered to be printed. Consideration still pending.

Mr. ELIOT, from the Select Committee on New Orleans Riots,
reported the following bill:

A BILL

For the re-establishment of civil government in the State of Louisiana.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States shall nominate and, by
4 and with the advice and consent of the Senate, appoint a
5 governor for the State of Louisiana, who shall hold his office
6 for one year, unless sooner removed by the President, by and
7 with the advice and consent of the Senate, or unless sooner
8 superceded by a successor elected under the provisions of
9 this act. Such governor so appointed shall have attained the
10 age of thirty years, shall be a citizen of the United States
11 and of the State of Louisiana. He shall not have held any
12 office whatever under the government of the so-called Con-

13 federate States, nor of any State which recognized the au-
14 thority of such pretended government. He shall not have
15 signed, voted for, or by speech or otherwise favored, the act
16 of secession of any State, nor shall he be any person who has
17 ever held any office in the army or navy of the United States,
18 and who afterwards took an oath to support the said pre-
19 tended government; nor shall he be a person who was a
20 member of either house of the Congress of the United States
21 after the first Monday in December, anno Domini eighteen
22 hundred and sixty, and who afterwards took an oath to sup-
23 port the said pretended government; nor shall he be one who has
24 borne arms against the government of the United States, or who
25 has in any way given aid, council, countenance, or encour-
26 agement to the late rebellion; but shall be one who has at all
27 times borne true faith and allegiance to the government of the
28 United States. And before such nomination shall be acted
29 upon by the Senate, such nominee shall make the same oath
30 (which shall be signed and filed with the Secretary of the
31 Senate) prescribed by the act of second July, eighteen hun-
32 dred and sixty-two, and which oath shall also contain a decla-
33 ration that the nominee has done no act which would work
34 a disqualification for holding such office under the provisions
35 of this act.

1 SEC. 2. *And be it further enacted,* That the President
2 shall forthwith nominate and, by and with the advice an

3 and consent of the Senate, appoint a provisional council,
4 consisting of nine persons, who shall have the same qualifica-
5 tions as are herein prescribed for the office of governor, and
6 who, before being confirmed by the Senate, shall on oath
7 make, sign, and file with said Secretary the same oath as is
8 prescribed for the governor. Such councillors shall continue
9 to hold their office, unless sooner removed by the President,
10 by and with the advice and consent of the Senate, until a
11 legislature shall be duly elected and qualified under the pro-
12 visions of this act. Such provisional council shall, with the
13 governor have all legislative power in such State. But in
14 no event shall the governor or any councillor enter upon the
15 duties of their respective offices until after confirmation by
16 the Senate. A majority of such council shall be a quorum,
17 and the same shall continue in permanent session with power,
18 however, to order such adjournments as may be deemed
19 proper, but no adjournment for more than thirty days at one
20 time.

1 SEC. 3. *And be it further enacted,* That the governor
2 shall forthwith take possession and charge of all archives and
3 other property belonging to the State, and it shall be his duty
4 to see that all laws of the State and of the United States shall
5 be duly executed within such State. Until all officers shall
6 become elective by the people, as herein provided, the gov-
7 ernor shall nominate and, by and with the advice and consent

8 of the provisional council, shall appoint and commission all the
9 officers now provided for by the existing government of said
10 State, or which may hereafter be created by law. Such
11 officers shall hold their offices, unless sooner removed by the
12 governor with the advice and consent of the provisional
13 council, until successors shall be elected and qualified as herein
14 provided. And all councillors, legislators, and other mem-
15 bers and officers of the provisional government hereby estab-
16 lished, and also all the members of the constitutional conven-
17 tion hereinafter provided for, shall be selected from such
18 as can truthfully take the oath aforesaid, prescribed by the
19 act of second July, anno Domini eighteen hundred and sixty-
20 two, and, before entering upon the duties of such office, shall
21 take and subscribe such oath, which oath shall be filed with,
22 and preserved by, the chief justice of the State.

1 SEC. 4. *And be it further enacted,* That unless other-
2 wise hereafter provided by Congress, the persons duly quali-
3 fied as electors according to the provisions of this act in the
4 State of Louisiana, shall, upon the first Tuesday of June,
5 anno Domini, eighteen hundred and sixty-seven, proceed to
6 elect a governor, lieutenant governor, senate and house of
7 representatives, and all the other officers herein provided to
8 be appointed; which senate and house of representatives
9 shall be composed of the same number of members and be
10 elected from the same districts as is provided under the

11 present government of such State ; and the governor, lieu
12 tenant governor, senators and representatives, and all the
13 other officers of such provisional government shall respec-
14 tively hold their offices for one year and until their successors
15 are duly qualified, unless such officers are sooner removed or
16 superceded in pursuance of the other provisions of this act.
17 All such officers so elected, shall have the same qualifications
18 and shall take, subscribe, and file the same oath as is herein
19 required in the case of the appointment of such officers. And
20 the powers, duties, fees and compensation of all such officers
21 shall be the same as now by law appertain to such offices
22 respectfully, in so far as such laws are not inconsistent with
23 the provisions of this act.

1 SEC. 5. *And be it further enacted,* That the following
2 persons, and no others, shall be electors and entitled to vote
3 at all elections held under the provisions of this act, namely,
4 every male citizen of the United States, without distinction
5 of race or color, who has attained the age of twenty-one
6 years, and has resided in Louisiana one year, and who has
7 never borne arms against the United States since he was a
8 citizen thereof, and who can truthfully take the oath pre-
9 scribed by the act aforesaid of July second, anno Domini
10 eighteen hundred and sixty-two: *Provided,* That any person
11 otherwise qualified as an elector, as herein provided, and who
12 never voluntarily gave aid, countenance, encouragement, or

13 support to any rebellion against the United States, nor any
14 such aid, countenance, encouragement, or support to any
15 government inimical to the United States in any other man-
16 ner, capacity, or rank, than as a private soldier in open and
17 civilized warfare, may be admitted to the rights of an elector
18 by an order of any court of record of the United States, upon
19 establishing, to the satisfaction of the court, by the testimony
20 of persons who have at all times borne true allegiance to the
21 United States, that he is one coming within the description
22 of persons designated in this proviso, and upon establishing
23 as aforesaid that such person, after the fourth day of March,
24 anno Domini eighteen hundred and sixty-four, never gave
25 any voluntary aid, countenance, support, or encouragement to
26 such rebellion, nor to any government inimical to the United
27 States. Upon such proof being made, and upon taking and
28 subscribing upon the records of the court an oath that all the
29 things are true which bring the applicant within the excep-
30 tions of this proviso, and also that such person will at all
31 times bear true allegiance to the government of the United
32 States and to the perpetual Union of the States thereunder,
33 such person shall receive a certificate which shall entitle him
34 to the rights of an elector.

1 SEC. 6. *And be it further enacted,* That whenever any
2 person's right to hold office or to vote under the provisions of
3 this act shall be challenged or called in question, and it shall

4 be made to appear to the officers of election or others having
5 the matter to decide, either by the oath of the person chal-
6 lenged or by other evidence, that the person challenged in
7 fact did any act the voluntary doing of which works a dis-
8 qualification to vote, to hold office, to be admitted, by order
9 of the court, to the rights of an elector, or to be registered as
10 such under the provisions of this act, then, in all such cases,
11 such act shall, prima facie, be deemed to have been done vol-
12 untarily ; and it shall devolve upon the person challenged to
13 prove, to the satisfaction of the tribunal having the matter to
14 decide, and by the evidence of persons who have always
15 borne true allegiance to the United States, such facts as shall
16 satisfy such tribunal that such acts of disloyalty were invol-
17 untary.

1 SEC. 7. *And be it further enacted,* That the Secretary of
2 War is hereby required to make and publish rules providing
3 for, first, a just and true registration, prior to each general
4 election, of the names of all persons who, under the provisions
5 of this act, are entitled to vote at any election named in this
6 act, and he shall designate persons having the qualifications
7 of electors, by whom such registration shall be made, which
8 registration shall be completed and made accessible to all the
9 electors of the State at least one week before each general
10 election ; second, for the times of holding all elections, the
11 time for holding which is not fixed by this act, and also for

12 the places and manner of holding and conducting all the elec-
13 tion contemplated by this act, including rules for receiving,
14 counting, certifying, and returning the votes cast, the granting
15 certificates of election, the appointment and compensation of
16 all judges and other officers of elections, and for every other
17 thing which shall be necessary to the holding of a free elec-
18 tion by the people. But all officers and agents appointed to
19 make such registrations and to conduct, make returns of,
20 certify to, or do any act touching any election shall be per-
21 sons entitled to the rights of an elector under the provisions
22 of this act, and all such persons shall, before entering upon
23 such duties, take and subscribe the oath aforesaid, prescribed
24 by the act of July second, anno Domini eighteen hundred
25 and sixty-two, and also to faithfully and impartially discharge
26 the duties of their office.

1 SEC. 8. *And be it further enacted,* That upon the third
2 Tuesday in October, anno Domini eighteen hundred and sixty-
3 seven, unless the Congress of the United States should by
4 law otherwise provide, an election shall be held by all the
5 persons qualified to vote under the provisions of this act for
6 the choice of members to a convention to adopt a permanent
7 constitution and frame of government for the State of Louisi-
8 ana. No person shall be eligible to a seat in such convention
9 who has not attained the age of twenty-five years, and who
10 has not all the other qualifications prescribed by this act for

11 the governor ; and such convention shall be composed of the
12 same number of members, and shall be elected from the same
13 districts as is now provided by law for the house of repre-
14 sentatives. And no person shall take a seat in such conven-
15 tion who has not first taken and upon the journals of the con-
16 vention subscribed the oath prescribed by the act of second
17 July, anno Domini eighteen hundred and sixty-two. The
18 constitution framed by such convention shall not permit any
19 distinction in the rights of men on account of race or color,
20 and shall recognize the power and duty of the government of
21 the United States to protect and enforce the perpetual union
22 of the States under such government. Said constitution shall
23 provide that no debt, demand or liability contracted or incurred
24 in the name of the State or otherwise, in support of the recent
25 rebellion, shall be assumed or paid, and that no pension, com-
26 pensation, gift, or gratuity shall be bestowed upon or paid by
27 the State to any person, by reason of anything done or suf-
28 fered in support of the rebellion. And such constitution shall
29 provide that the aforesaid provisions shall be irreversible and
30 incapable of abrogation by amendment thereof. Such con-
31 stitution shall be submitted for approval by the convention,
32 at such time as it may fix, to the electors of the State, quali-
33 fied to vote under the provisions of this act. The election to
34 be held under rules prescribed as aforesaid, by the Secretary
35 of War, and if approved by a majority of such electors, it

36 may be presented to Congress for the admission of the State
37 to representation in Congress thereunder, upon such terms as
38 may be by them prescribed.

1 SEC. 9. *And be it further enacted*, That it shall be the
2 duty of the President of the United States to designate forth-
3 with an officer of the army of the United States who is of
4 rank not below a brigadier general, who shall be stationed in
5 the State of Louisiana, and shall be the military commander
6 within the State; it shall, moreover, be the duty of the
7 President to place in such State, under the command of such
8 officer, such military force as shall be requisite to execute the
9 duties herein assigned to such commander. It shall be the
10 duty of such commander, whenever the civil authorities in
11 such State shall be unable to or shall from any cause neglect,
12 refuse, or omit to see that all the laws are speedily enforced
13 for the punishment or prevention of crimes or offences against
14 the rights of any person whomsoever, to at once arrest and
15 hold such offenders until the civil authorities shall cause such
16 offences to be duly prosecuted. And it shall, moreover, be the
17 duty of such commander to render such support to the civil
18 authorities in the preservation of order, and in the enforce-
19 ment of the laws and rules regulating elections, and also all
20 other laws, both of the United States and of the State, as
21 shall insure the full, speedy, and impartial enforcement of all

22 such laws and of equal justice, and this without regard to
23 race or color.

1 SEC. 10. *And be it further enacted*, That the militia of
2 the State shall consist of all the citizens of the State qualified
3 as electors under this act, who shall be as soon as practicable
4 duly organized and equipped, and during the existence of the
5 provisional government hereby created, such militia shall act
6 under the direction of the aforesaid military commander with-
7 in the State.

1 SEC. 11. *And be it further enacted*, That all laws passed
2 by the provisional council or by the legislature herein pro-
3 vided for shall, as speedily as possible after their enactment,
4 be duly certified and transmitted to the Secretary of the
5 Senate of the United States for the approval of Congress,
6 and should the same be disapproved by Congress the fact
7 shall be, at once, duly certified and transmitted to the chief
8 justice of Louisiana, and the date of the receipt thereof shall
9 be indorsed thereon, and the same shall be filed and preserved
10 in the records of the Supreme Court. And all laws so disap-
11 proved shall be void from and after the date of such indorse
12 ment.

1 SEC. 12. *And be it further enacted*, That until the peo-
2 ple of Louisiana shall be admitted to representation in the
3 Congress of the United States under such loyal and republican
4 government as the United States shall recognize and assume

5 to guarantee, such people shall be entitled to one delegate in
6 the House of Representatives, to be elected at the first general
7 election provided for in this act by the qualified electors of
8 the State, as provided in this act. Such delegate must be a
9 person who has the qualifications for and could hold the office
10 of governor under the provisions of this act, and he shall have
11 the same powers and rights now had by delegates from the
12 Territories of the United States.

1 SEC. 13. *And be it further enacted,* That all laws now
2 in force in Louisiana consistent with the Constitution and
3 laws of the United States, and with the provisions of this act,
4 shall remain in force until repealed or modified: *Provided,*
5 That no person shall be competent to act as a juror who is
6 not an elector under the provisions of this act: *And provided*
7 *also,* That all the expenses of, and incident to, the administration
8 of the provisional government herein provided for shall
9 be collected and paid as is now done for the support of the
10 present government of Louisiana.